

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

GUANGYU WANG,

Plaintiff,

v.

NEVADA SYSTEM OF HIGHER
EDUCATION,

Defendant.

Case No. 3:18-cv-00075-MMD-CBC

ORDER

Pro se Plaintiff Guangyu Wang has one remaining claim for retaliation against Defendant Nevada System of High Education set for trial. Before the Court is Plaintiff's Motion for Jurors Who Can Speak and Understand Both Chinese Mandarin and English (the "Motion") (ECF No. 158).¹ For the reasons explained below, the Court will deny the Motion.

Plaintiff requests that the Court impanel at least six jurors who can speak or understand both Chinese Mandarin and English to ensure that the jury can understand an audio recording of his deposition, which involves both languages, and to ensure a fair trial and diverse jury.² (ECF No. 158 at 1; ECF No. 164 at 1-2.)

¹The Court has also reviewed the parties' related briefs (ECF Nos. 160, 164).

²Additionally, Plaintiff argues for the first time in his reply brief that an interpreter can manipulate Plaintiff's statements at trial and that United States Magistrate Judge Carla L. Baldwin has not provided the interpreter's credentials. (ECF No. 164 at 2-4.) The Court declines to consider these frivolous claims. *See Zamani v. Carnes*, 491 F.3d 990, 997 n.13 (9th Cir. 2007) ("The district court need not consider arguments raised for the first time in a reply brief.") (citation omitted). In any event, interpreters at trial will be required to take an oath to solemnly swear or affirm that he or she will truly, fairly, justly and impartially translate the proceedings.

1 The Court rejects these arguments. First, Plaintiff seeks to use the audio recording
 2 to support the claim that his deposition was conducted in bad faith. (See ECF No. 158 at
 3 1; ECF No. 164 at 2-3.) But the Court already—and repeatedly—rejected these
 4 challenges. (See ECF Nos. 109, 114, 117.) Plaintiff will not be able to use any audio
 5 recording of his deposition. Second, Plaintiff has not cited to any law that requires this
 6 Court to impanel Mandarin speakers, nor is the Court aware of any. The law requires that
 7 jurors be randomly selected from a fair cross-section of the community. 28 U.S.C. §§ 1861,
 8 1862, 1863. Plaintiff's request to impanel Mandarin speakers violates the letter and spirit
 9 of the statute. Furthermore, there is no basis for the Motion given that the Court will provide
 10 a Mandarin interpreter at trial (see ECF No. 161). For the foregoing reasons, the Court will
 11 deny Plaintiff's Motion.³

12 The Court notes that the parties made several arguments and cited to laws not
 13 discussed above. The Court has reviewed these arguments and laws and determines that
 14 they do not warrant discussion as they do not affect the outcome of the Motion before the
 15 Court.

16 It is therefore ordered that Plaintiff's Motion for Jurors Who Can Speak and
 17 Understand Both Chinese Mandarin and English (ECF No. 158) is denied.

18 DATED THIS 23rd day of April 2020.

19 
 20 _____
 21 MIRANDA M. DU
 22 CHIEF UNITED STATES DISTRICT JUDGE

23 ³To assuage any concerns Plaintiff may have about jury bias, the Court will explain
 24 the jury selection process. The Court will examine prospective jurors for any biases during
 25 the voir dire process. See *United States v. Zavalidroga*, 156 F.3d 1241 (9th Cir. 1998);
 26 *McDonough Power Equip., Inc. v. Greenwood*, 464 U.S. 548, 554 (1984) ("The primary
 27 purpose of voir dire is to select a fair and impartial jury.") One week before trial, the parties
 28 will file all suggested voir dire questions for the Court to consider asking the prospective
 jurors. (ECF No. 162.) During jury selection at the start of trial, the Court will ask
 prospective jurors these questions and ask the parties for input into any additional follow-
 up questions during jury selection. Outside the jury's presence, the Court will hear and
 rule on challenges for cause and then peremptory challenges. Prospective jurors will be
 excused throughout this process. Remaining jurors will be officially impaneled to serve in
 the trial.